



Attorney Docket: 1087.6 (39US2)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ROLFE C. ANDERSON et al.  
Serial No: 09/751,657  
Filed: December 31, 2000  
For: MINIATURIZED GENETIC ANALYSIS SYSTEMS AND METHODS

Examiner: <not yet assigned>  
Art Unit: 1744

BOX MISSING PARTS

COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

In response to the Notice to File Missing Parts dated April 25, 2001 (copy enclosed), Applicants respectfully submit the following:

- Notice to File Missing Parts (dated April 25, 2001);
- Statement Regarding Figs. 55C to 66B;
- Preliminary Amendment;
- Oath and Declaration filed in parent U.S. Application 09/005,985, filed January 12, 1998, now U.S. Pat. 6,168,948.
- Petition for One Month Extension of Time; and
- Return Receipt Postcard

If the enclosed papers are considered incomplete, please contact the undersigned at 781-274-8064. **Please charge all PTO fees and apply all credits to the Deposit Account No. 01-0431.** A duplicate of this sheet is enclosed.

Respectfully submitted,

Ivan D. Zitkovsky, Reg. No. 37,482  
6 Freeman Circle  
Lexington, MA 02421-7713

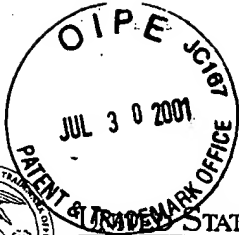
Tel. +781-274-8064  
Fax +781-274-8065

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on

July 25, 2001

Ivan D. Zitkovsky



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/751,657	12/31/2000	Rolfe C. Anderson	1087.6 (A1-40)

CONFIRMATION NO. 2968

## FORMALITIES LETTER



\*OC00000006005882\*

Ivan D. Zitkovsky, Ph.D.  
6 Freeman Circle  
Lexington, MA 02421-7713

Date Mailed: 04/25/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/08/2001 NROCHA1 00000063 010431 09751657

FILED UNDER 37 CFR 1.53(b)

01 FC:101 710.00 CH  
02 FC:105 130.00 CH

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$2250.
  - \$810 for 45 total claims over 20.
  - \$1440 for 18 independent claims over 3.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 3090.

The following item(s) appear to have been omitted from the application:

- Figure(s) **55C to 66B** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted

Adjustment dates: 08/08/2001 NROCHA1

08/07/2001 NROCHA1 00000036 010431 09751957

01 FC:105 130.00 CH

08/07/2001 NROCHA1 00000036 010431 09751957

01 FC:105 130.00 CH

item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



PTO/SB/06 (08-00)  
Approved for use through 10/31/2002. OMB 0651-0032  
U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# PATENT APPLICATION FEE DETERMINATION RECORD

Application or Docket Number

09/751,657

## CLAIMS AS FILED - PART I

(Column 1)

(Column 2)

SMALL ENTITY

OR

OTHER THAN  
SMALL ENTITY

FOR	NUMBER FILED	NUMBER EXTRA
BASIC FEE (37 CFR 1.16(a))		
TOTAL CLAIMS (37 CFR 1.16(c))	8 minus 20 =	* 0
INDEPENDENT CLAIMS (37 CFR 1.16(b))	3 minus 3 =	* 0
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d))		

RATE	FEE
	\$
x \$	=
x	=
+	=
TOTAL	

RATE	FEE
	\$ 710.00
x \$	= 0
x	=
+	=
TOTAL	710.00

\* If the difference in column 1 is less than zero, enter "0" in column 2

## CLAIMS AS AMENDED - PART II

(Column 1)

(Column 2)

(Column 3)

SMALL ENTITY

OR

OTHER THAN  
SMALL ENTITY

AMENDMENT A		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total (37 CFR 1.16(c))	*	Minus	**	=
	Independent (37 CFR 1.16(b))	*	Minus	***	=
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				

RATE	ADDI- TIONAL FEE
x \$	=
x	=
+	=
TOTAL ADDIT. FEE	

RATE	ADDI- TIONAL FEE
x \$	=
x	=
+	=
TOTAL ADDIT. FEE	

AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total (37 CFR 1.16(c))	*	Minus	**	=
	Independent (37 CFR 1.16(b))	*	Minus	***	=
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				

RATE	ADDI- TIONAL FEE
x \$	=
x	=
+	=
TOTAL ADDIT. FEE	

RATE	ADDI- TIONAL FEE
x \$	=
x	=
+	=
TOTAL ADDIT. FEE	

AMENDMENT C		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total (37 CFR 1.16(c))	*	Minus	**	=
	Independent (37 CFR 1.16(b))	*	Minus	***	=
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				

RATE	ADDI- TIONAL FEE
x \$	=
x	=
+	=
TOTAL ADDIT. FEE	

RATE	ADDI- TIONAL FEE
x \$	=
x	=
+	=
TOTAL ADDIT. FEE	

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

total \$950.00

Deposit Account


item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

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*A copy of this notice **MUST** be returned with the reply.*

  
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Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY



Attorney Docket: 1087.5A (39US2)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ROLFE C. ANDERSON et al. Examiner: <not yet assigned>  
Serial No: 09/751,657 Art Unit: 1744  
Filed: December 31, 2000  
For: MINIATURIZED GENETIC ANALYSIS SYSTEMS AND METHODS

BOX MISSING PARTS

COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

**STATEMENT RE OMITTED FIGS. 55C – 66B**

In the Notice to File Missing Parts, dated April 25, 2001, the U.S. PTO raised a question regarding possibly omitted Figures 55C – 66B. Applicants respectfully submit that the issue occurred due to misnumbering of the provided Figures, there are no omitted figures in the application and the application is complete as was received and considered by the OIPE on April 25, 2001. Therefore, there is no need to file a Petition or take any action under Section I or II stated in the Notice to File Missing Parts (copy enclosed).

1. The above-captioned application is a continuation/ divisional of the parent U.S. Application 09/005,985, filed January 12, 1998, now U.S. Pat. 6,168,948.
2. When filing the above-captioned application, Applicants submitted an exact copy of the parent specification filed on January 12, 1998 in the parent U.S. Application 09/005,985. Originally, in the parent specification, several figure numbers were skipped, and this formal "numbering" deficiency was corrected by the Examiner in an Examiner's Action dated July 14, 2000. (Of course, no new matter was entered on July 14, 2000.) When submitting formal drawings for publication, Applicants submitted the renumbered drawings 1 through 55B on October 16, 2000 as requested by the Examiner.

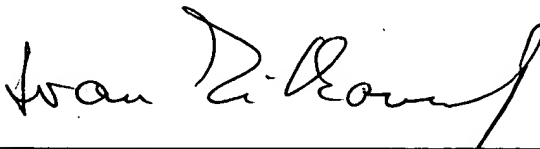
3. When filing the above-captioned application on December 31, 2000, Applicants submitted the original specification, and the renumbered formal drawings (identical to the submitted formal drawings in the parent Application 09/005,985). There was, however, the figure numbering discrepancy between the original specification and the corrected numbering of the formal drawings. As was done by the Examiner in the parent application, Applicants will correct the formal "numbering" deficiency in the submitted, pending specification.

4. Please also note that when filing the above-captioned application on December 31, 2000, Applicants incorporated by reference the parent U.S. Application 09/005,985, now U.S. Pat. 6,168,948. Therefore, the present above-captioned application includes the entire subject matter disclosed in the parent U.S. Application 09/005,985, now U.S. Pat. 6,168,948 (copy enclosed).

5. Therefore, the above-captioned application includes only a numbering informality and is complete as received on December 31, 2000, and considered by the OIPE on April 25, 2001.

Please apply any charges or credits to the Deposit Account No. 01-0431.

Respectfully submitted,

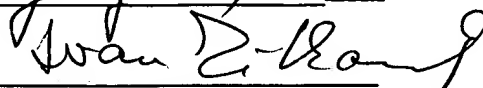
  
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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on

July 25, 2001

  
Ivan D. Zitkovsky